

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB -LFG

RIO CHAMA STREAM SYSTEM
Section 1, Chama Mainstream

Subfile No. 152

MOTION FOR SUBSTITUTION OF PARTIES

Pursuant to Fed. R. Civ. P. 25(a)(1), the Plaintiff State of New Mexico, *ex rel.* State Engineer moves the Court to substitute ANTHONY CONSAVAGE and ROSE ELLEN CONSAVAGE for defendants LUIS MAESTAS and ADELIA H. MAESTAS in these proceedings with respect to the water rights appurtenant to Tract 21.15 in Subfile 152 in the Chama Mainstream Section, and in support of this motion states the following:

1. Using the deed records of the Rio Arriba County Clerk and the Rio Arriba County Assessor's Office, the State has determined that Tract 21.15 in Section 1 of the Rio Chama Stream System is currently owned by Anthony Consavage and Rose Ellen Consavage. The water rights appurtenant to Tract 21.15 were described in the subfile order for defendants Luis Maestas and Adelia H. Maestas filed with the Court on August 7, 1969 (Doc. No. 176) (Subfile 127).

2. Pursuant to the Order filed August 25, 2011 (Doc. No. 10537), Anthony Consavage and Rose Ellen Consavage should be substituted for Luis Maestas and Adelia H. Maestas in these proceedings, and served with the Court's notice/order to show cause with respect to the State's

proposed priority date for the water rights appurtenant to Tract 21.15. A proposed form of notice/order to show cause to be served upon Anthony Consavage and Rose Ellen Consavage will be submitted to the Court for review and approval following substitution of parties.

3. Although the subfile order for defendants Luis Maestas and Adelia H. Maestas in Subfile 152 filed with the Court did not include the hydrographic survey map and tract information for the lands described in the order, there is no need to correct the original subfile order to include this information. The Hydrographic Survey and Mapping Bureau of the Office of the State Engineer has confirmed that the lands described in the order corresponds to Tract 21.15 of the State Engineer's hydrographic survey.

WHEREFORE the State of New Mexico requests the Court to enter its order substituting Anthony Consavage and Rose Ellen Consavage for defendants Luis Maestas and Adelia H. Maestas in these proceedings with respect to the water rights appurtenant to Tract 21.15 in Subfile 152.

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of September 2011 I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Anthony Consavage
Rose Ellen Consavage
P.O. Box 73
Hernandez, NM 87537

/s/ Ed Newville
EDWARD G. NEWVILLE